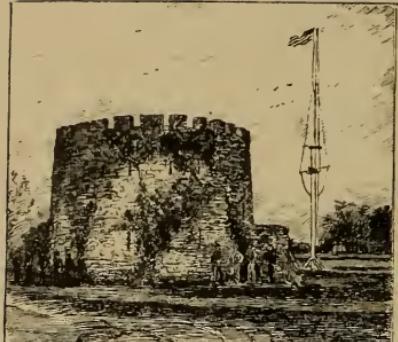


LIBRARY OF CONGRESS.

JK 6125
Chap. Copyright No.

Shelf 1892

UNITED STATES OF AMERICA.



Round Tower, Ft. Snelling.



Second Capitol.



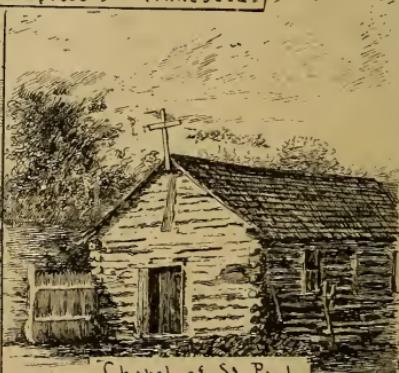
Minnehaha Falls.



Present Capitol of Minnesota.



Central House, First Capitol.



Chapel of St. Paul.

LANDMARKS OF MINNESOTA.

ELEMENTS OF CIVIL GOVERNMENT

OF THE

STATE OF MINNESOTA

WITH A

BRIEF OUTLINE OF THE POLITICAL
HISTORY OF THE STATE

DESIGNED FOR USE AS A TEXT-BOOK IN PUBLIC AND PRIVATE
SCHOOLS, AND FOR SUPPLEMENTARY READING

BY
T. H. KIRK, M.L.

ASSISTANT STATE SUPERINTENDENT OF PUBLIC INSTRUCTION



37011 X /

SILVER, BURDETT & CO., PUBLISHERS

NEW YORK BOSTON CHICAGO

1892

TKL 25
1892
K6

COPYRIGHT, 1892,
BY SILVER, BURDETT & CO.

TYPOGRAPHY BY J. S. CUSHING & CO., BOSTON.
PRESSWORK BY BERWICK & SMITH, BOSTON.

P R E F A C E.

AMERICANS revere the fathers of the Republic, and are never weary in telling of their great deeds. They speak, too, with enthusiasm of the thirteen original colonies and the states that grew out of them. All this is very proper; but we must not forget that heroic deeds, noble men, and typical forms of government belong quite as much to the present as to the past. Indeed, the people of the future will look back to our day with admiration, as we now look back to an older past. It is surely a good thing, from whatever standpoint viewed, to study the forms of government which now exist, and which one finds round about him. Besides, nobody can be an intelligent citizen who does not do this. Above all, one should be familiar with the forms of government in his own state and community. It is for these reasons, in fact, that this brief outline of the state and local governments of Minnesota has been prepared.

The plan of the book is historical. It takes us back to a time when no government existed save that of savage tribes, and leads us through a series of rapid changes to the civilization of the present. The government of Minnesota Territory has been introduced because it was an important step in this development, besides being of interest in itself.

It has been the custom to confine the study of civil government almost entirely to the chief legislative, judicial, and executive functions. This, it seems to me, is a mistake; and in Chapters V. to VIII. inclusive place has been given to many things which every citizen ought to understand.

Aside from a few sets of suggestive questions and black-board outlines, the method of teaching has been left to the good sense and experience of the teacher.

So far as I know, this is the only special treatise on the civil government of Minnesota yet published, and I hope it may find its way into every school-house and home in the State.

T. H. KIRK.

ST. PAUL, June 1, 1892.

THE HISTORY AND CIVIL GOVERNMENT
OF THE
STATE OF MINNESOTA.

CHAPTER I.

HISTORICAL SKETCH.

The Unknown Land. — In 1643, Louis XIV., the great king of France, was but a child of five, and not old enough to understand about those wonders of the western world which at a later day attracted him. But, child as he was, his subjects knew little more about it than he. Nobody had thought that a great republic would one day exist there whose splendid achievements for human liberty and progress would win the admiration of mankind. That part of the New World now called Minnesota was an unknown land, and, like all the other unknown lands which the over-credulous people of that day imagined, it was a land of romance and fable, full of great rivers, powerful nations, and untold wealth. Indeed, just beyond it, they said, was the sea separating China from America.

Early Explorers. — In 1634, Jean Nicolet, a bright, venturesome interpreter of a Canadian fur company,

visited the Indian tribes in what is now Wisconsin. It seems that he learned from them something about the Dakotas, or Sioux, who inhabited the region beyond the upper Mississippi. On his return to Canada, Nicolet told what he had heard about them. Later, in 1641, two French ensigns visited the Sault Ste. Marie and heard of this same nation, who were said to dwell eighteen days' journey to the westward, at the head of a great river. Fifteen years after this, a half religious, half adventurous expedition from Quebec set out to find the Dakotas; but it was foiled by the hostile Iroquois, who massacred many of its members. The expedition of Groselliers and Radisson, two celebrated explorers, was more fortunate. In 1660, they coasted along the southern shore of Lake Superior and built a rude fort at the southern extremity of Chaqwamigon Bay. The following spring, a detachment of the garrison ran across a party of wandering Dakotas and returned with them to their lodges on the western prairies. So far as known, these were the first white men to enter what is now called Minnesota. Before the end of the century, many noted explorers, among whom were Perrot, Du Luth, Le Sueur, and Father Hennepin, had traced the windings of its picturesque river valleys and penetrated both its prairie and forest regions. Forts were built on the lower Blue Earth River, on an island of the Mississippi, near the mouth of the St. Croix, and on the west shore of Lake Pepin.

The Voyageurs. — Following closely in the footsteps of the explorers came the voyageurs, or rangers of the woods, as they were sometimes called. They were fur traders; and it was not long before the plash of their

paddles was heard on every stream, and their songs in every thicket, as they wandered from one Indian village to another in search of pelts. They might be called the forerunners of civilization, but they were not truly a part of it. Upon entering the woods they threw off civil restraints, and counted themselves law-abiding in simply keeping their agreements with the fur companies and owning allegiance to the king of France.

The French Supremacy. — For the first sixty-three years of the eighteenth century the French remained masters of the country they had explored. It was with them a time of varying fortunes,—of successes and failures in extending the fur trade, of hopeless searches for a northwest passage by way of a “mighty” river supposed to enter the western sea, of warfare with hostile tribes, and of movements to resist the encroachments of the English, who too were seeking for commercial profit and a greater empire.

The English Supremacy. — After the nine years’ struggle of the French and Indian War, by the treaty of 1763 the English became the nominal masters of that part of the Northwest lying east of the Mississippi. But the French, nevertheless, continued to be its actual masters. The Indians had always looked upon the French with favor, and through the friendships and intermarriages of a century had also come to think of them as their own kindred. The sharp-witted Frenchmen had no difficulty therefore in leading the Indians to distrust the good intentions of the English, who came with offers of trade and friendship. The result was, the English did not find it worth while to build military and trading posts west of Mackinaw; and the only explorer of note who

represented them was the self-appointed Jonathan Carver, who, in the fall of 1766, visited the region about St. Anthony Falls and made a partial ascent of the Minnesota or St. Peter's River.

The Dawn of a New Nation. — It was not long after the events narrated that a new nation entered the field of military and social conquest. Twenty years after the English had acquired possession of the Northwest, they yielded it to their revolted colonies now styled the United States of America. But just as the French had withstood the English occupation of the country, the English themselves annoyed their former American subjects, who with native energy were now endeavoring to open it for trade and settlement.

Military Expeditions. — To check the boldness of the British fur traders, and to restrain the tribes made hostile by their false statements about the purposes of the Americans, it became necessary to overawe both by a show of military strength. As a first step in this direction, General Zebulon M. Pike was sent out in the year 1805 with a small detachment of soldiers. His explorations extended as far north as Leech Lake.

In 1817, Major Stephen H. Long made a cursory survey to find a suitable site for a fort. Two years later Colonel Leavenworth established Cold Water Cantonment at Mendota; and in 1820 Fort Snelling was built at the junction of the Minnesota and Mississippi rivers.

The Later Fur Traders. — The United States having thus asserted its authority, the Northwest and Hudson Bay Fur Companies, so long masters of trade under British protection, now confined their operations for the most part to the British Possessions, and the American

and Columbia Companies took active possession of the deserted field. By this time the Indians had become less self-reliant. The fruits of the chase no longer satisfied them, and they depended more and more upon the whites for the necessities of life. It will be easy to understand then how the system of barter which sprang up between them and the fur companies paved the way for the entrance of civilization into their ancient domain, and at the same time made them familiar with its ordinary modes of domestic life. It is quite certain that in their first contact with it they saw more of its selfish than of its unselfish side. Their suspicions and hatred were often aroused, and these led to feuds which were not settled until after years of controversy and bloodshed.

Commercial and Scientific Expeditions.—To establish firmer relations with the tribes, to treat with them for cessions of their lands, and to determine to some extent the value of the region as a place of settlement, expeditions both of a commercial and scientific character were sent out by the national government. The first of the three most important ones was led by Lewis Cass, governor of Michigan. In 1820, it entered the country by way of the St. Louis River and explored toward the head waters of the Mississippi. The second, in 1823, was commanded by Major Stephen H. Long. It explored the valleys of the Minnesota and Red rivers and the chain of rivers and lakes on the northern boundary. The third, led by Henry R. Schoolcraft in 1832, followed the route of Cass, but penetrated the country as far as Lake Itasca. Thence it journeyed southward to Fort Snelling, and, finally, ascended the St. Croix.

The Missionaries.—It was now two centuries after the time of Jean Nicolet, who, as above stated, had been the first to mention the Dakotas. But it would be an error to think that in all that period nobody had given heed to the welfare of the Indians. From the time of the earliest explorers, whose expeditions they accompanied, devoted Catholic priests with little regard for profits of trade and political power, both of which absorbed their companions, were earnest in their efforts to benefit the tribes socially and religiously. With the same interest and earnestness, the first Protestant missionary, W. T. Boutwell, came with the Schoolcraft expedition and remained to teach among the Ojibwas of Leech Lake. A year later, that is in 1833, two brothers, Samuel W. and Gideon H. Pond, established the Mission of Lake Calhoun. In 1836, Dr. Thomas S. Williamson and party established the Mission of Lac qui Parle, and the following year they were joined by Stephen R. Riggs and wife. There were other faithful missionaries in neighboring fields, but the names of these, after years of toil and danger, became pre-eminently historic.

First Settlements.—Previous to 1826, if we except the traders of St. Peter's, or Mendota, there were no permanent inhabitants in what is now Minnesota. In the summer of that year the first real settlement was made near Fort Snelling by a few Swiss farmers who had fled from the hardships of the Selkirk colony. Gradually others followed them. In 1840, the good Father Lucian Galtier built the chapel of St. Paul where the flourishing city of that name is now situated; but three years later there were probably not more than twenty families belonging to the little village that sur-

rounded the chapel. At St. Anthony Falls a small grist and lumber mill and a few cabins were the nucleus of the progressive city of Minneapolis, now the metropolis. Indeed, in the great region surrounding these miniature cities there were at the outside not more than a few hundred inhabitants.

Territorial Jurisdiction.—If the Minnesota region lacked civilized inhabitants, it had no lack of rulers. After the Revolution and before the first half of the nineteenth century had passed, that part of Minnesota lying east of the Mississippi was controlled successively by the Northwest Territory, Indiana Territory, Illinois Territory, Michigan Territory, and Wisconsin Territory; and the part west by Louisiana Province, Louisiana District, Louisiana Territory, Missouri Territory, Michigan Territory, Wisconsin Territory, and Iowa Territory. Of course the jurisdiction of these various territories was not very rigid. It could not be in a country so vast and wild, whose only roads were Indian trails, or at best water courses traversed in winter by dog trains and in summer by canoes. Only now and then a United States marshal appeared to vindicate the majesty of the law; and no doubt many a crime was committed which the desolate plains and the deep, silent forests never revealed.

CHAPTER II.

BEGINNINGS OF SELF-GOVERNMENT.

Wisconsin Territory.—In 1848, Wisconsin as now bounded was admitted to the Union. Its admission apparently left a large portion of its former territory without a government; namely, that part of it situated west of the St. Croix and Mississippi rivers. This was denied by Governor Catlin and others, who claimed that the government of Wisconsin Territory was still intact and that its domain was the country excluded from the newly admitted state. But it was evident that the people were not satisfied with this view of things; and they were active in their endeavors to secure a new territorial organization. At this time the total population was less than five thousand. While this seems a small number nowadays, it did not in the least win the people from their purpose nor discourage their ambitions. It was this energy doubtless that brought their efforts to a speedy and successful conclusion and laid the foundation of a lasting prosperity for the new commonwealth.

The Organic Act.—A temporary government, styled the Territory of Minnesota, was established by act of Congress, March 3, 1849. Within its limits were included the present State of Minnesota and by far the larger part of the two Dakotas. It was such a great

stretch of country that the United States very properly reserved the right to divide it at any time for the purpose of forming new territories or attaching portions of it to others already formed. This Organic Act, being typical of the organic acts of other territories, and being the foundation too of the more permanent government of the State, deserves here a brief but careful review.

The Executive. — The executive power was vested in a governor whose term of office was four years. But he was subject to removal at any time by the President of the United States. He was required to reside within the Territory, to act as commander-in-chief of the militia, to perform the duties of superintendent of Indian affairs, and to commission all officers appointed under the laws of the Territory. He had power to pardon offenses against the laws of the Territory, and to grant reprieves for offenses against those of the United States subject to the final decision of the President.

The Secretary. — The next in power to the governor was the secretary. His tenure of office was like the governor's as to length of time and removal. He was required to record all executive acts and proceedings of the governor, and to record and preserve all laws and proceedings of the Legislative Assembly. Moreover, he was required to send copies of the executive proceedings and legislative enactments to the President of the United States, the president of the Senate, and the speaker of the House of Representatives. Finally, in case of the absence, death, removal, or resignation of the governor, he was to become temporarily the chief executive officer of the Territory.

The Legislative Assembly.—The legislative power was vested in the governor and a legislative assembly. This legislative assembly consisted of two bodies designated the Council and House of Representatives. At first, the Council had nine members, whose term of office was two years, and the House of Representatives eighteen members, whose term was one year.

All members were required to have the qualifications prescribed for voters. No person, save a postmaster, holding a commission or office under the United States could be a member of the Legislature, or hold any other office under the Territory. Neither could a member hold during his term or the year succeeding it an office created during said term or whose salary had been increased within the same.

Both houses could be increased in proportion to the growth of population, save that the number of councillors could not exceed fifteen and the number of representatives thirty-nine. The Territory was divided into election districts corresponding to the two classes of legislators, and it was required that each legislator should be a resident of the district he was elected to represent. No session of the legislative assembly could extend beyond sixty days.

The legislative power extended to all subjects consistent with the Constitution of the United States, but it was specified that no law should be passed to interfere with the primary disposal of the soil, to tax the property of non-residents more than that of residents, and to tax the property of the United States. Besides, all laws were subject to the veto of Congress.

All bills passed by the Legislative Assembly had to

be submitted to the governor for his approval or veto, but they could be passed over his veto by a two-thirds majority of both houses. In such a case, members were required to vote by yeas and nays, and their votes were entered upon the journals of the Assembly.

If the governor did not return a bill within three days, Sundays excepted, it became a law without his signature, provided the adjournment of the Assembly did not prevent its return within the time specified.

The Courts. — The judicial power of the Territory was vested in four kinds of courts; namely, justice courts, probate courts, district courts, and a supreme court. Both the appellate and original jurisdiction of these courts was to be defined by statute law, save in certain cases hereafter mentioned, and save that the jurisdiction of the supreme and district courts should be allowed to extend to cases both in common law and chancery.

Supreme Court. — The supreme court had a chief and two associate justices, any two of whom constituted a quorum. Their tenure of office was four years; and they were allowed to appoint a clerk for the court and dismiss him at pleasure. This court was required to hold a term annually at the seat of government. Its jurisdiction extended to writs of error, bills of exception, and appeals, from the district courts, but it was not allowed to conduct trials by jury. Writs of error and appeals from its decisions could be made to the supreme court of the United States when the value of the controversy was not less than a thousand dollars. It was required that the regulations of the circuit courts of the United States should be followed in all such appeals.

District Courts. — The Territory was divided into three judicial districts. In each of these a district court, over which one of the justices of the supreme court presided, was held at times and places prescribed by law; and the justice so presiding was required to live within the district. Each district court appointed a person to act as clerk and as register in chancery, and he was required to keep office at the place where the court was regularly held. The jurisdiction of the district courts extended to cases under the laws of the Territory, and in all cases under the laws and Constitution of the United States its jurisdiction was the same as that of the circuit and district courts of the United States. The first six days of every session of a district court, or such part of them as was needed for the purpose, was required to be devoted to such cases under the United States Constitution and laws.

Minor Courts. — Justice courts were for the trial of petty cases; but no justice court could hear cases respecting the title and boundary of land, nor any involving a money value exceeding a hundred dollars.

Probate courts served the same purposes as now under the state.

Attorney and Marshal. — The chief officers of the courts were an attorney and a marshal. The term of each was four years. It was the duty of the attorney to advise the executive officers and to act as counsel in all cases in which the Territory was a party; and the marshal was required to serve all processes of the district courts when acting as district and circuit courts of the United States.

Appointment of Territorial Officers. — The governor, chief justice, associate justices, attorney, and marshal were appointed by the President and confirmed by the Senate of the United States; and all had to make oath or affirmation that they would faithfully discharge their duties and uphold the Constitution of the United States.

All local officers, township, county, and district, were to be appointed or elected in whatever manner the governor and Legislative Assembly should provide.

Delegate to Congress. — Provision was made for the election of a delegate to the House of Representatives of the United States; and he was to have the powers and privileges accorded to delegates from other territories. His term of office was two years.

Right of Suffrage. — Every male inhabitant of Minnesota Territory, having come to reside in it before the passage of the Organic Act, was allowed to vote at the first election and was eligible to any office within the Territory provided he was free, white, and twenty-one or more years of age. Thereafter qualifications of voters and eligibility to office were to be determined by the Legislative Assembly, save that none but citizens of the United States or those who had taken oath to become such were then qualified or eligible.

Education. — One of the most important sections of the Organic Act made provision for the support of education. It required that sections sixteen and thirty-six of each township, when surveyed, should be set aside for the benefit of the public schools, no matter to what territory or state the township might finally belong.

Transition.— Such was the machinery of government provided for the Territory of Minnesota, but something else was required to set it in motion ; namely, a plan of transition from the government of Wisconsin Territory to that of the new, which would work neither a temporary nor a lasting injury to any citizen. The plan adopted was this :—

1. All individual and social rights and privileges not inconsistent with the Organic Act were to continue, subject to change at a proper time.
2. All pending judicial proceedings, of whatever nature, civil or criminal, were to be transferred to the new district courts.
3. No statutes existing for the new territory, all infractions under the laws of the old were subject to trial and punishment in the courts of the new.
4. All bonds and obligations of every character remained valid.
5. All judicial and ministerial officers, such as justices of the peace, constables, and sheriffs, were to continue in power until provision could be made for the appointment or election of their successors.
6. The governor was granted power to establish the judicial districts, to assign the judges thereto, and to determine the times and places of holding courts within the same, all until the Legislative Assembly, to whom the power permanently belonged, could act or should see fit to act.
7. The first meeting of the Legislative Assembly was to be at St. Paul, at which time it was to fix upon a temporary seat of government pending the establishment of a permanent seat by popular election.
8. Finally, financial provision was made for the building of a capitol and the purchase of a library for the use of the judicial and executive officers of the Territory.

CHAPTER III.

ORGANIZING THE STATE.

Progress.—Less than eight years after the establishment of Minnesota Territory it was seeking admission to the Union. By this time the population had multiplied thirty-fold. Many farms had been opened up in the Big Woods and upon the adjacent prairies. Title to large tracts of Indian lands had been secured, and other settlers were entering to possess them. Numerous flourishing settlements had sprung up in the river valleys and elsewhere. Commerce, too, was active on the navigable streams.

The Enabling Act.—February 26, 1857, Congress passed an act preliminary to the admission of Minnesota to the Union. The Enabling Act, as it is called, after having defined the boundaries of the State as at present, provided for the calling of a constitutional convention, the taking of a census to determine the representation in Congress, and the disposing of public land for the support of education and internal improvements.

The State Constitution.—The first Monday in June the delegates were chosen to the convention, and at midnight the beginning of the second Monday in July they met in the Capitol at St. Paul. The unusual hour of meeting was due to a struggle for supremacy in organization between the Republican and Democratic

wings. They could not agree, however, at this time, and separated. The result was, two rival conventions were organized. But later, harmony having been restored through compromises, they agreed upon the same constitution August 29. In this final form it contained fifteen Articles and a Schedule, as follows:—

Article I. is a bill of rights, and provides for the alteration, modification, and reform of government, at any time deemed necessary: against slavery, disfranchisement, and involuntary servitude, save by process of law and for the punishment of crime; for the liberty of the press and freedom of speech; for trial by jury in civil cases; against excessive bail and cruel punishments; for juries, witnesses, and counsel in criminal cases; for indictments by grand jury, the granting of bail, and maintaining the privilege of *habeas corpus*; for remedy on account of injury to person, property, or character; against conviction for treason, save on proper testimony of witnesses; against unreasonable search; against bills of attainder and *ex post facto* laws; against imprisonment for debt; for the exemption of a reasonable amount of property from seizure for debt; against taking private property for public use without compensation; for subordinating the military to the civil power: against feudal tenures, and prolonged leases and grants of agricultural lands; against religious and property tests as qualifications for holding office or the exercise of suffrage: and, finally, for the maintenance of rights inherent in the people, but not mentioned in the Constitution itself.

Article II. names the State and defines its boundaries.

Article III. distributes the powers of government as legislative, executive, and judicial.

Article IV. sets forth the nature and powers of the legislative department.

Article V. names the officers of the executive department, and prescribes their powers, duties, and manner of election.

Article VI. deals with the courts and judges of the judiciary department.

Article VII. states the extent and limitations of the elective franchise.

Article VIII. provides for the establishment and support of a public school system, including the State University.

Article IX. is devoted to state finances, banks, and banking.

Article X. deals with corporations that do not have banking privileges.

Article XI. treats of the organization of counties and townships.

Article XII. makes it the duty of the Legislature to pass laws for organizing and disciplining the militia.

Article XIII. provides for impeachments and removals from office.

Article XIV. shows in what manner the Constitution itself may be amended.

Article XV. is a miscellany. It provides for a temporary seat of government at St. Paul; for extending privileges of citizenship and taxation to persons residing on Indian lands; for a uniform oath or affirmation; for a seal of the State; and for converting the territorial into a state prison.

The Schedule. — Just as it had been necessary to provide for the transition from a previously existing government to that of Minnesota Territory, it was now necessary to provide a similar transition from the government of Minnesota Territory to that of Minnesota State. The plan involved twenty-two specifications relating to various legislative, judicial, and executive affairs. These specifications formed what is called the Schedule.

Ratification. — The Constitution was submitted to the people, and ratified October 13, 1857, by a vote of 30,055 against 571, thus giving emphasis to the

“Preamble. *We, the people of the State of Minnesota, grateful to God for our civil and religious liberty, and desiring to perpetuate its blessings and secure the same to ourselves and our posterity, do ordain and establish this Constitution.*”

Admission to the Union.—Congress finding the Constitution of Minnesota satisfactory, passed an act admitting the State May 11, 1858. By this act Minnesota was allowed two representatives in Congress, and constituted a judicial district of the United States district courts, with the necessary legal provisions for the organization of such a court.

Amendments.—During the thirty-five years that have elapsed since the Constitution was adopted, it has been amended in twenty-nine particulars. This shows how impossible it is to frame a constitution good for all time, and proves that to have been a wise clause in the Bill of Rights which reserves to the people the privilege of modifying their form of government when the changes of time imperatively demand it.

QUESTIONS, TOPICS, AND SUGGESTIONS FOR REVIEW.

Designed to recall what has been learned and to suggest further thought, reading, and study.

1. What was known of the New World in the time of Louis XIV.?

2. What was learned by Jean Nicolet?

3. Who were the voyageurs, and what were their characteristics?

4. What can you say about the French and English supremacies?

5. Who led the first military expeditions into Minnesota, and what were the purposes of these expeditions?

6. What were the characteristics of Indian life in the time of the later fur traders?

7. Describe the commercial and scientific expeditions.

8. When, where, and by whom were the first missions established?

9. Who were the first settlers?

10. To what governments has the domain of Minnesota been subject?

11. What was the Organic Act, and when was it passed?

12. In whom was the legislative power of Minnesota Territory vested? The executive? The judicial?

13. Mention some things that were required to change from the government of Wisconsin Territory to that of Minnesota.

14. What was the Enabling Act, and when was it passed?

15. When and under what circumstances was the Constitution of Minnesota adopted?

16. How many articles does the Constitution contain, and of what does each treat?

17. What was the Schedule?

18. When and how decisively was the Constitution ratified?

19. Repeat the Preamble to the Constitution.

20. When was Minnesota admitted to the Union?

21. How many times has the Constitution been amended?

BLACKBOARD OUTLINE.

STATE GOVERNMENT.

THE LEGISLATURE.

1. Members.	5. Privileges.
2. Powers.	6. Restrictions.
3. Duties and Obligations.	7. Bills and Laws.
4. House.	8. Senate.

THE EXECUTIVE.

1. Governor.	4. Auditor.
2. Lieutenant-Governor.	5. Treasurer.
3. Secretary of State.	6. Attorney-General.

THE JUDICIARY.

1. Supreme Court.	3. Probate Courts.
2. District Courts.	4. Justices of the Peace.

CHAPTER IV.

THE DEPARTMENTS OF THE STATE GOVERNMENT.

SECTION I.—THE LEGISLATIVE DEPARTMENT.

HAVING in the last chapter considered the Constitution as a whole, it is now the pupil's task to take a particular view of the three principal departments of the state government; namely, the legislative, executive, and judicial.

The Legislature.—The Legislature of Minnesota consists of two houses called the Senate and House of Representatives. Its sessions are biennial and each limited to ninety legislative days. But the days need not be consecutive, thus allowing necessary recesses. The number of members in each house is prescribed by law, and increases with the growth of population; but the distribution of members throughout the State must be in proportion to the population of the different sections in order that all may be justly represented. This necessarily gives the Legislature the power, were it not specified as it is elsewhere in the Constitution, to set the bounds of the representative and senatorial districts. It also determines in like manner the bounds of congressional districts. In case of a vacancy in the membership of either house the governor is required to issue a writ calling for a special election to fill it.

Qualifications and Terms of Members. — A person to become a member of the Legislature must be a citizen, and immediately prior to his election must have been a resident of the State at least one year and his district six months. Before entering upon his duties he must make oath or affirmation to perform them faithfully and to uphold the Constitutions of the United States and the State of Minnesota. The term of a representative is two years; of a senator, four.

Powers. — Each house has power —

1. To determine whether the qualifications and elections of its members are valid.
2. To transact business when a majority of its members is present.
3. To adjourn from day to day when only a minority of its members is present.
4. To compel its members to attend.
5. To determine its rules of business.
6. To set its times of adjournment.
7. To punish and expel members for disorderly conduct.
8. To disfranchise, conjointly with the other house, persons convicted of infamous crimes.
9. To punish citizens for bad behavior in its presence.
10. To elect United States senators conjointly with the other house.

Duties and Obligations. — Each house must —

1. Keep and publish a journal of its proceedings, and enter therein all votes taken by yeas and nays.
2. Prescribe the manner of taking evidence when its seats are contested.
3. Allow the public to attend its sessions save when secrecy is important.
4. In all its elections vote *viva voce* and have such votes recorded in its journal.
5. Pass laws to prevent monopolies of the food and produce markets of the State.

Privileges. — A person is exempt from arrest when going to or from the house of which he is a member or while attending its sessions. But this privilege does not apply in cases of felony, treason, or breach of the peace. Nor can a member be elsewhere called to account for speech or debate in the Legislature. Two or more members may jointly protest against the passage of a resolution which they think injurious to individuals or the public in general, and have their protest recorded in the journal.

Restrictions. — No member can be expelled twice for the same offense. Neither house can adjourn for more than three working days at a time ; nor to meet in any other place unless the other house consents. No member can receive an increase of compensation granted during his term. No member can hold office under the United States, save that of a postmaster. No money can be appropriated save by bill. No joint order, resolution, or vote is valid without the governor's signature, save when carried over his veto by a two-thirds vote. No divorces can be granted. No lotteries can be authorized. Finally, no special legislation is allowable in the following particulars : —

“ 1st. For changing the name of a person, or constituting one person the heir-at-law of another.

“ 2d. For laying out, opening or altering highways.

“ 3d. For authorizing persons to keep ferries across streams wholly within this State.

“ 4th. For authorizing the sale or mortgage of real or personal property of minors or other persons under disability.

“ 5th. For changing any county seat.

“ 6th. For assessment or collection of taxes, or for extending the time for the collection thereof.

“7th. For granting corporate powers or privileges, except to cities.

“8th. For authorizing the apportionment of any part of the school fund.

“9th. For incorporating any town or village.

“10th. For granting to any individual, association, or corporation, except municipal, any special or exclusive privilege, immunity, or franchise whatever.

“11th. For vacating roads, town plats, streets, alleys, and public grounds.”

These restrictions of special legislation were for the purpose of preventing local and class enactments which often worked injustice to the people at large besides being a burden upon the Legislature and a source of corruption. All such matters are properly provided for under the general laws of the State.

The House of Representatives. — There are certain things peculiar to the House. It elects its own presiding officer. It originates all bills for the raising of revenue. It has the sole power of impeachment, but an impeachment requires the concurrence of a majority of its members.

The Senate. — There are certain things, too, peculiar to the Senate. It cannot elect its presiding officer save as a president *pro tempore*, the lieutenant-governor, *ex officio*, being its regular president. It tries all impeachments arising in the House, and in such cases its members are under oath or affirmation to act legally and justly. To convict, two-thirds of the senators must concur.

Bills and Laws. — All laws of Minnesota must begin with the expression “Be it enacted by the Legislature of the State of Minnesota.” No law can embrace more

than one subject, and this subject must be expressed in its title. Unless under the suspension of rules, a bill must be read three times in each house on three different days. A majority of the full membership of each house is required to pass a bill, and the vote of each house upon the same must be recorded in its journal. Every bill that passes must be enrolled, and signed by the presiding officers of both houses. It is then necessary to present it to the governor for his signature. Should he refuse to sign it, a two-thirds majority of both houses may pass it over his veto. Or if he does not return it within three days, Sunday excepted, it becomes a law without his signature; provided that its return is not prevented by the adjournment of the Legislature. No new bill can be introduced during the last twenty days of a session without the written consent of the governor. Nor can a bill be passed on the day of final adjournment. Nevertheless it may be enrolled, signed, or transmitted from house to house or to the governor on that day.

SECTION II.—THE EXECUTIVE DEPARTMENT.

Executive Officers.—The principal executive officers of Minnesota are the governor, lieutenant-governor, secretary of state, auditor, treasurer, and attorney-general, each serving two years, save the auditor, whose term is four. All are bound by oath or affirmation to perform their duties faithfully.

Governor.—The governor must be at least twenty-five years of age. It is his duty to communicate with the Legislature from time to time, by message, relative

to the welfare of the State. He is commander-in-chief of the military and naval forces of the State, and may call upon them to suppress insurrections. He has power within the State to grant reprieves and pardons after persons have been convicted, save in the case of impeachments. He appoints the state librarian, notaries public, and other officers that the law may designate. He has power to fill vacancies in elective offices until the next subsequent election, and in appointive offices until the next meeting of the Legislature. He may call extra sessions of the Legislature in cases of emergency. In all cases he must faithfully execute the laws.

Lieutenant-Governor. — The lieutenant-governor is president of the Senate by virtue of his office, and is successor of the governor in case of a vacancy ; and if for any reason his own office becomes vacant, the president *pro tempore* of the Senate succeeds him.

Secretary of State. — The secretary of state is the custodian of the state seal, laws, and documents. He issues state papers, such as proclamations, under the direction of the governor ; and he records instruments formulated under the statutes, such as the articles of incorporation of stock companies.

Auditor. — Just as the name implies, the auditor is the hearer — that is, of all financial claims against the State ; and he issues warrants upon the state treasurer for the payment of those he deems valid. He computes the amount of appropriations necessary for the running expenses of the State, and when passed by the Legislature levies them upon the taxable property of the State. He is *ex officio* land commissioner ; and as such he has

power to sell or lease, subject to law, the school, internal improvement, and other lands belonging to the State.

Treasurer. — The treasurer collects state taxes, interest on bonds held by the State; in short, moneys due it from whatever source. He pays interest on bonds issued by the State itself, distributes the funds of the state institutions and public schools, and pays on the warrant of the auditor any and all of the lawful obligations of the State. To insure care and honesty, he is frequently required to make an exact statement of his receipts and disbursements, and the treasury is subject to periodic inspection by the governor, auditor, and secretary of state acting jointly.

Attorney-General. — The attorney-general advises the Legislature and state officials upon all difficult points of law referred to him, and in such cases his opinions have the force of statute law, until set aside by decisions of the supreme court or further enactments of the Legislature. He is also prosecuting attorney or directing counsel in all cases to which the State is directly a party.

SECTION III.—JUDICIAL DEPARTMENT.

Courts. — The Constitution establishes a supreme court, district, probate, and justice courts, and provides that other inferior courts may be established by legislative enactment.

Supreme Court. — At present the supreme court consists of a chief justice and four associate justices. The term of each is six years. The court appoints a reporter to note its decisions and proceedings. It also has a

clerk who is elected by the people once in four years ; but in case of a vacancy in his office a majority of the justices have power to fill it. In certain remedial cases the court has original jurisdiction, and appellate jurisdiction in all other cases, both as to law and equity. It sometimes happens that a majority or all of the justices are disqualified to try a case by reason of personal relations to it. Under such circumstances, the governor or, if he too is party to it, the lieutenant-governor, appoints judges of the district court to serve ; and for the cases in dispute, they exercise the full power of justices of the supreme court.

District Courts.—For judicial purposes the State is divided into districts, each having a court styled the district court. At present there are sixteen district courts in the State. Each district may have one or more judges, as prescribed by law, and elects its own judges for a term of six years. There are now twenty-eight district judges. A judge must reside in his district when elected, and continue to reside in it until his term expires.

Each district court has a clerk in each county within its district. He is elected by the people of the county, and his term of service is four years.

The district courts have original jurisdiction in civil cases when the amount in dispute exceeds a hundred dollars, and in criminal cases if the term of imprisonment exceeds three months. Their appellate jurisdiction is prescribed by law.

Probate Courts.—There is a probate court in each county. It has one judge elected by the people for a term of two years. He appoints his own clerk, but the

Legislature may at any time provide for the election of a clerk. The duties of a judge of probate include the settlement of estates, the appointment of guardians for minors and for adults mentally diseased, and the issuing of orders for the incorporation of cities.

Justices of the Peace. — The Legislature determines the number of justices of the peace. At the present time there are two in each township or village, and two or more in each city. Save in certain cases, such as attachments of property, the jurisdiction of a justice court does not extend beyond the limits of the county in which it is situated. The jurisdiction of a justice of the peace does not extend to civil cases involving a money value greater than one hundred dollars, nor to criminal cases whose penalty is more than three months' imprisonment.

Miscellaneous Provisions. — The Constitution provides that the judges of the supreme and district courts "shall be men learned in the law"; that their compensation shall not be diminished during their terms; and that they shall receive no other fees or rewards.

The judges of all other courts not mentioned above must be elected from the cities or counties for which the courts were created; but a term of service cannot be greater than seven years without a new election.

The justices of the supreme and district courts are not eligible to United States or other state offices.

The Legislature can create new judicial districts and change the boundaries of old, but by so doing cannot dismiss a judge from office.

A court commissioner, with the power of a district judge-at-chambers is elected for each county.

All legal pleadings and proceedings begin, "The State of Minnesota" and end, "against the peace and dignity of the State of Minnesota."

QUESTIONS, TOPICS, AND SUGGESTIONS FOR REVIEW.

Designed to recall what has been learned and to suggest further thought, reading, and study.

1. How many houses are there in the Minnesota Legislature, and how are their memberships determined?
2. What are the qualifications and terms of state senators and representatives?
3. State ten powers belonging to both houses.
4. State five duties and obligations of both houses.
5. What privileges do legislators possess?
6. What restrictions are placed upon the members and houses?
7. State eleven forms of special legislation that are forbidden.
8. What powers and restrictions are peculiar to the House?
9. What powers and restrictions are peculiar to the Senate?
10. Through what order must and through what order may a bill pass before it can become a law?
11. Name the six chief executive officers of Minnesota.
12. What are the duties of the governor?
13. What are the duties of the lieutenant-governor?
14. What are the duties of the secretary of state?
15. What are the duties of the auditor?
16. What are the duties of the treasurer?
17. What are the duties of the attorney-general?
18. Describe the organization of the supreme court.
19. How are the district courts constituted, and how many districts and judges are there at the present time?
20. What is the jurisdiction of a probate court?
21. State four important points respecting justices of the peace.
22. What does the Constitution say in reference to judges of the supreme and district courts?
23. What are the duties of clerks of courts and court commissioners?

CHAPTER V.

ADMINISTRATIVE DEPARTMENTS, BUREAUS, COMMISSIONS, AND OFFICERS.

IN a great state the public business increases rapidly in proportion to the general development of the state itself. This has given rise in Minnesota to various departments, commissions, bureaus, and offices more or less closely related to the chief executive departments already considered.

Adjutant General.— While the governor of the State is the nominal commander-in-chief of its militia, its actual direction and command is delegated to the adjutant general. Consequently all general orders to the Minnesota National Guard are issued by him. By statute, also, he is made prosecuting attorney or agent for all worthy soldiers and sailors, or the widows, orphans, and dependent parents of the same, who are seeking pensions from the United States. In this capacity, he serves without fee or reward of any kind.

Insurance Department.— The head of this department is called the insurance commissioner. It is his duty to prevent dishonest insurance companies from doing business in the State; to see that honest companies do not ignorantly or carelessly neglect its laws in reference to the security and payment of losses; and to collect fees from these companies for defraying the expenses of the

department, relieving injured firemen, and helping to maintain better fire departments in the cities of the State.

Department of Public Instruction. — This department is under the direction of the superintendent of public instruction. His chief duties are —

1. To confer from time to time with the county superintendents respecting the best methods of organization and discipline for the public schools.
2. To conduct teachers' institutes and training schools annually at suitable places throughout the State.
3. To collect and arrange statistics showing the condition of the public schools and other educational institutions.
4. To apportion the public school funds semiannually.
5. To make to the Legislature at its regular sessions a comprehensive report of the educational condition of the public schools and higher institutions of learning.

The superintendent is also *ex officio* member and secretary of the State Normal and High School Boards and member of the Board of Regents of the University.

Railroad and Warehouse Commission. — This commission consists of three members appointed by the governor. They have power to fix and enforce a regular and equitable schedule of rates upon the railroads of the State. They also have power to supervise the grain trade at terminal points like St. Paul, Minneapolis, and Duluth. Acting in this capacity, they fix the "grades" or relative qualities of grain, and appoint inspectors and weighers to carry out their directions.

Dairy and Food Commission. — This board is made up of a chief and two assistant commissioners, a chemist, and a secretary. Through its authorized agents it care-

fully inspects the dairies and food markets to detect and punish the vendors of spurious and adulterated dairy products and other foods. Everything, beginning with careful analyses of specimens by the chemist, is carried out systematically, resulting in great good to consumers.

Land Commissioner. — The State of Minnesota owns thousands of acres of agricultural, mineral, and timber lands, classified otherwise as school, swamp, and internal improvement lands. To protect, lease, and sell these requires a great deal of labor. This responsible duty is assigned by law to the state auditor, who is *ex officio* land commissioner.

Printing Commission. — The secretary of state, auditor, and treasurer are the commissioners of printing. They let the contracts for printing blanks, reports, documents, and forms of whatever character required. The person holding the contracts, for a specified time, is called the public printer, and the person employed by the commission to supervise the work, as to form, quality, and charges, is called the expert printer.

Commissioner of Statistics. — At one time this officer was the general statistician of the State, but now his duties are confined to the collecting of such agricultural statistics as are deemed of economic value. At present the assistant secretary of state is commissioner of statistics.

Fish Commission. — It is the duty and work of the fish commissioners to stock the lakes and rivers of the State with the best varieties of fish suited to its climatic conditions. To do this, they have established hatcheries where the young fish are developed from the egg until old enough for distribution.

Bureau of Labor. — This bureau is an outgrowth of certain labor movements immediately preceding the year 1887. It is required, first of all, to see that all laws relating to the welfare of the laboring classes in factories and other places are faithfully carried out. This it prepares itself to do by personal inspection of places of labor. Some of the laws to be enforced relate to the employment of children, matters of health, and protection against accidents. In the second place, the bureau is required to collect statistics pertaining to the various phases of the industrial and social conditions of the laboring classes. These statistics it presents biennially to the Legislature.

Public Examiner. — The public examiner holds a very important position. He is a financial agent of the State with full power to inspect and supervise the books and business methods of all county and state financial officers, of banks organized under state laws, of loan and trust companies, national building associations as to their business within the State, and local building associations in towns of ten thousand or more inhabitants. The work of this officer has already brought about needed business reforms and insured greater honesty in dealing among these institutions and officers.

Boiler Inspector. — The great loss of life and property from the improper handling of boilers led to the appointment of a boiler inspector and assistants. No person can now run a steam engine, or be master or pilot of a steam vessel on the inland waters of the State, without a license from the inspector. And all boilers and steam vessels must be examined annually. However, these laws do not apply to locomotive engi-

neers, a class of men always skilled, nor to boilers properly inspected by insurance companies.

Inspector of Illuminating Oils.—The duty of this officer requires him to inspect all illuminating oils in the market of the State, and to prevent the sale of those dangerously explosive. He employs several assistants, who, like himself, are paid out of fees charged for inspection.

Surveyors of Logs and Lumber.—The lumber interests of Minnesota are extensive. Millions of feet of logs are annually cut in the pine forests in its northern part, and floated down its rivers to the mills and markets. Certain officers, called surveyors of logs and lumber, are employed to scale or measure these logs and to determine the proper owners when the logs are being sorted in the booms for the purpose of rafting them to owners or purchasers. The surveyors also record existing bills of sale, liens, and mortgages, against the logs of different owners. The total measurements made must be reported to the Legislature biennially.

State Librarian.—While the state library was established to preserve books, pamphlets, charts, and documents of a miscellaneous character, it is made up for the most part of books of law to which all citizens of the State may have free access. The library is under the direction of the judges of the supreme court, but in the immediate charge of an appointive officer called the state librarian.

State Geologist.—The state geologist, strictly speaking, is not a state officer and does his work under the direction of the regents of the University. Yet his work is special in character, and is performed for the

people of the State at large. Under him the geological and natural history surveys of the State have been carried on steadily for many years, and very valuable permanent results have been obtained and published.

CHAPTER VI.

BOARDS OF CONTROL, SOCIETIES, AND ASSOCIATIONS.

STILL farther removed from the chief executive departments than those studied in the last chapter, yet performing very important functions, we find several boards, societies, and associations.

Boards of Control. — These boards having very clearly defined directory power, are sometimes called boards of control. It will be seen that four of them pertain to the health of the people; one to their financial and one to their legal welfare; and one to the economic interests of the producing classes. They are named and described as follows:—

1. The Board of Equalization is composed of the governor, auditor, attorney-general, and one elector from each judicial district. It meets every September and equalizes the valuations placed by assessors upon the real and personal property throughout the State.

2. The Board of Medical Examiners is composed of ten physicians of known ability and good standing. All applicants for licenses to practise medicine must pass its examinations. In this way incompetent persons are barred from imposing upon the people.

3. The Board of Pharmacy consists of five pharmacists. All retailers and dispensers of drugs must hold its certificates.

4. The Board of Dental Examiners has the granting of licenses to dentists. It has five members who are practising dentists.

5. The Board of Health and Vital Statistics is composed of seven physicians. It is required "to make sanitary investigations and inquiries respecting the causes of disease, especially of epidemics; the sources of mortality, and the effects of localities, employments, conditions, and circumstances on the public health."

6. The Board of Law Examiners has one member for each congressional district. It examines all candidates for admission to the bar in respect to their legal abilities.

7. The Board of Farmers' Institutes consists of six members. Its duties require it to hold institutes or conventions for the purpose of imparting knowledge concerning the best methods of agriculture, horticulture, dairying, and stock-raising.

Societies. — There are four societies organized under the laws of the State, three of them in a large degree supported by its bounty, which deserve notice.

1. The Agricultural Society has extensive grounds and buildings in the city of St. Paul. By its suggestive annual exhibits and liberal premiums it is doing much to promote agricultural progress.

2. The Horticultural Society gives special attention to the advancement of pomology, horticulture, and arboriculture.

3. The Society for the Prevention of Cruelty to Animals is doing in a faithful way the noble work expressed in its name. It has many branches. Its officers have the power of constables, which they exercise freely whenever cases of extreme cruelty occur.

4. The Historical Society was organized under the laws of the Territory. It is the oldest society in the State, and receives from it a liberal annual appropriation. Its most important function is to collect all valuable antiquarian relics and historical data, recent and aboriginal, pertaining to the State and Northwest. Beyond that, its historical collections and researches are general.

Associations. — Two important associations are sustained by the State.

1. The Dairyman's Association disseminates knowledge respecting the best modes of dairying, and holds annual fairs at which it distributes premiums.

2. The Forestry Association has for its purposes the preservation of the native forests, and the planting and cultivation of new forests.

CHAPTER VII.

STATE INSTITUTIONS OF CORRECTION AND
CHARITY.

THE care which a state bestows upon its unfortunate citizens and children is one of the best indications of its progress in civilization. Measured by this standard, Minnesota compares well with her sister states.

Board of Corrections and Charities.—The general supervision of the institutions of correction and charity, state or local, is delegated by law to the State Board of Corrections and Charities. This board has six members, of whom, for obvious reasons, not more than three can belong to the same political party. Its chief duties are specified as follows:—

1. To inspect the institutions under its charge.
2. To investigate, under the governor's direction, cases of mismanagement.
3. To prescribe the forms of their statistical reports.
4. To criticise the plans of local jails and poor-houses with a view to improving them.
5. To co-operate in every way possible with executive boards and officers in order to promote the economic and moral welfare of these institutions.
6. To report biennially to the Legislature.

Insane Asylums.—Minnesota has three insane asylums; the First, so called, at St. Peter, the Second at Rochester, and the Third at Fergus Falls. The build-

ings belonging to them are extensive and fitted up in the most approved manner. These asylums are under the immediate direction of a board of nine members. Each asylum has a steward, a medical superintendent, and corps of assistant physicians and attendants.

Institute for Defectives.—The Institute for Defectives has three branches; namely, the School for the Deaf, the School for the Blind, and the School for the Feeble-Minded. The institute is controlled by a board of seven members, two of whom, the governor and superintendent of public instruction, are members *ex officio*. Each of these schools has a superintendent and a faculty of competent instructors. The Institute is situated at Faribault.

State Public School.—The State Public School for Neglected and Dependent Children is situated at Owatonna. It is an institution of recent establishment and is controlled by a board of three members. Its name indicates the classes of children admitted to it. It has already done great good. The boys are taught to work in the gardens and shops, and the girls are taught sewing, cooking, and other domestic duties. Besides, all are instructed in the branches of a common school education. As soon as possible after they enter school, homes in families are found for the children; but for some time after adoption the authorities of the school continue to watch over them to insure proper treatment. If the children do not receive this, they are brought back to the school.

Soldiers' Home.—The Minnesota Soldiers' Home is situated at Minnehaha Falls, within the corporate limits of Minneapolis. It is under the direction of a board of

seven trustees. It was established for the benefit of aged and infirm soldiers and sailors of the United States who also are citizens of Minnesota.

The Reform School.—The Reform School, formerly called the House of Refuge, was for many years situated at St. Paul, but is now at Red Wing, where a large farm and modern buildings and appliances have been provided for it. Its board of managers consists of five members.

Boys and girls who are too incorrigible to be controlled at home are sent to it. Besides the rudiments of an education, they are taught useful trades. The requirements of the institution are rigid but kind. Through its discipline many vicious children have been redeemed.

The Reformatory.—Hitherto, in the history of states and countries, persons guilty of crimes, whether of a mild or of a heinous character, have been thrown into prison and often subjected to harsh not to say cruel treatment. The people are now beginning to take another view of the matter, and to assert that a state must seek to reform as well as to restrain and punish its criminals. With this end in view, the State of Minnesota has established a reformatory at St. Cloud. Persons who have taken the first steps in crime, but who are too old to send to the Reform School, are imprisoned in the Reformatory. The system of the Reformatory is paternal and elastic. The severity of a prisoner's punishment is largely determined by his attitude toward discipline and reformation. The Reformatory is still in the experimental stage, but is doing a noble work. It is under the control of a board of six managers.

The State Prison.—The State Prison still exists for hardened criminals who are dangerous, or unsusceptible to influences of reform. But hereafter in its administration it is certain to feel the influence of the milder methods of the Reformatory. This prison is situated at Stillwater. There are five managers in its board. The chief officer of the prison is called the warden. He is assisted by deputy wardens and guards.

QUESTIONS, TOPICS, AND SUGGESTIONS FOR REVIEW.

Designed to recall what has been learned and to suggest further thought, reading, and study.

1. What are the duties of the adjutant general?
2. What are the duties of the insurance commissioner?
3. Specify five duties of the superintendent of public instruction.
4. What are the duties of the Railroad and Warehouse Commission?
5. What are the duties of the Dairy and Food Commission?
6. Who acts as land commissioner, and what are his duties?
7. State clearly what you know about the Printing Commission, the public printer, and the expert printer.
8. What were the former duties and what are the present duties of the commissioner of statistics?
9. For what purpose was the Fish Commission constituted?
10. Describe the Bureau of Labor and its work.
11. State the duties of the public examiner.
12. State the duties of the inspectors of boilers and illuminating oil.
13. What duties belong to a surveyor of logs and lumber?
14. Tell what you know about the state library and the state librarian.
15. What is the nature of the state geologist's work?
16. Name and describe the work of seven boards of control, four societies, and two associations, all either fostered or controlled by the State.
17. What are the duties of the Board of Corrections and Charities?
18. Name the insane asylums, and tell where they are situated.
19. What is the Institute for Defectives?
20. For what was the State Public School established?
21. For whom was the Soldiers' Home established?
22. Compare the Reform School, Reformatory, and State Prison, and show in what respects they differ from one another.

BLACKBOARD OUTLINE.

EDUCATION.

DISTRICTS.

1. Common. 2. Independent. 3. Special.

SCHOOLS.

1. Ungraded.		2. Graded.
3. State High Schools.		
4. Normal Schools.		5. University.

PUBLIC SCHOOL FUNDS.

Current	{ General.
	{ State School Tax.
Local	{ One Mill County Tax.
	{ District Special Tax.

CHAPTER VIII.

EDUCATION

THE work of education in Minnesota, below the University and normal schools, is conducted on the district system. Of these districts there are three kinds, called common, independent, and special.

Common Districts.—Common districts are organized according to law by the county commissioners when properly petitioned by the people concerned. There is no uniformity in the extent of territory included in these districts. Local conditions and circumstances determine this. The schools are for the most part ungraded. A common school district is controlled by a board of three trustees. These officers are named clerk, treasurer, and director. However, the government of the district is partly democratic. The most important questions relating to it are determined by the people at an annual meeting, and special meetings called from time to time. Common districts are for the most part confined to the country, and are under the supervision of a county superintendent.

Independent Districts.—Independent districts are also organized according to statute. These districts are peculiar to villages and cities, and their schools are usually graded. The government of such districts, like the common, is partially democratic. Each has a board

of six members. The officers of the board are a president, secretary, and treasurer. Each district, too, employs its own superintendent, examines its own teachers, and is not subject to the county superintendent save in the matter of making annual reports.

Special Districts. — Special districts have hitherto been organized, and, as might be inferred from the name, under special acts of the Legislature whenever peculiar municipal and other local conditions seemed to warrant it. In general character they are like independent districts, yet are in certain particulars as various in government and privileges as the acts establishing them. Under the amendment to the Constitution preventing special legislation, such districts cannot now be organized.

State High Schools. — To encourage higher education, the Legislature has enacted a law establishing state high schools. These schools in reality belong to the graded systems in special and independent districts, but are also voluntarily subject to the rules and regulations of the State High School Board, which consists of three members ; namely, the governor of the State, the president of the University, and the state superintendent of public instruction. If found upon inspection to be working in accord with the regulations of the board, the schools are granted an annual appropriation from the state treasury. During the school year ending in 1892, there were sixty-two of these schools under state supervision.

Normal Schools. — Minnesota has so far four normal schools. Together they form what might be called an auxiliary system of the public schools, having for their

purpose the education and professional training of teachers for these schools. They are situated at Winona, Mankato, St. Cloud, and Moorhead. They receive an aggregate annual appropriation of seventy-seven thousand dollars, and occasional appropriations for permanent improvements. The government of the schools is entrusted to a board of nine members, four of whom are resident directors.

University. — The University of Minnesota, situated at Minneapolis, is the successor of the Territorial University. At present it has five important colleges and departments described as follows: The College of Science, Literature, and Arts, offering three courses of study; the College of Mechanic Arts, offering four courses; the College of Agriculture, to which is attached the preparatory School of Agriculture; the Department of Law; and the Department of Medicine, including the College of Medicine and Surgery, the College of Homeopathic Medicine and Surgery, the College of Dentistry, and the School of Pharmacy.

The University is governed by a board of twelve regents. It is supported partly by the interest of its permanent fund, and partly by special and standing legislative appropriations. Its annual standing appropriation is now sixty-five thousand dollars, and the interest on its permanent fund about thirty-five thousand. The permanent fund amounts to nearly a million dollars. Of its land grants, including agricultural college lands, about fifty-five thousand acres remain unsold.

Public School Lands. — The pupil will recall that the Organic Act of the territory reserved sections sixteen and thirty-six in each township for the support of the

public schools; that is, the schools described above under common, independent, and special districts. By legislative enactment, none of these lands can be sold for less than five dollars an acre. They often bring much more. The money accruing from sales constitutes a permanent fund, no part of which can ever be expended, only the interest being available for the support of the schools. At this time the fund amounts to about ten million dollars, and there yet remain about seven hundred fifty thousand acres of land unsold. When all of the lands are sold, it is estimated that the fund will amount to nearly twenty million dollars.

Current and Special School Funds. — The current school fund is made up of the annual state school tax fund and the general school fund, the latter being the annual interest on the permanent fund mentioned in the last paragraph. The state school tax is one mill levied on the total real estate and personal property valuation of the State. The current fund, so made up, is the one distributed semiannually by the superintendent of public instruction. It amounts now to about a million dollars a year. Besides this large fund there are two others. One is a local mill tax levied on the property within each county, the other is the variable special tax which each school district, in order to share in the current fund of the State, must vote annually for the running expenses of its school, in addition to what it may choose to vote for permanent improvements.

QUESTIONS, TOPICS, AND SUGGESTIONS FOR REVIEW.

Designed to recall what has been already learned, and to suggest further thought, reading, and study.

1. How is a common school district organized and governed?
2. How is an independent district organized and governed?
3. How were special districts organized?
4. What are state high schools, and how are they supervised?
5. What is the work for which the normal schools were instituted?
6. Where are the normal schools situated, and how are they supported?
7. How are the normal schools governed?
8. Name the departments and colleges of the University.
9. How is the University governed?
10. How is the University supported?
11. What can you say of the public school land?
12. What funds constitute the current school fund?
13. Describe two local school funds.
14. How large is the permanent school fund at date?
15. How large is the University fund at date?

BLACKBOARD OUTLINE.

LOCAL GOVERNMENT.

COUNTIES.

Officers.

1. Commissioners.	7. Attorney.
2. Auditor.	8. Sheriff.
3. Register of Deeds.	9. Coroner.
4. Surveyor.	10. Clerk of Court.
5. Superintendent of Schools.	11. Court Commissioner.
6. Judge of Probate.	

TOWNSHIPS.

1. Congressional.	3. Corporate Powers.
2. Organized.	4. Meetings.

Officers.

1. Supervisors.	5. Assessor.
2. Clerk.	6. Overseers of Highways.
3. Treasurer.	7. Board of Review.
4. Constables.	8. Justices.

VILLAGES.

Officers.

1. President	4. Marshal.
2. Trustees	5. Constables.
3. Recorder } Council.	6. Justices.
	7. Street Commissioner.

CHAPTER IX.

LOCAL GOVERNMENT.

So far the pupil has been studying the governments of the Territory and State in their many phases, but several important forms of local government yet remain for him to consider. They are the governments of counties, townships, villages, and cities.

Counties.—The county is the largest geographical subdivision of the State. Minnesota has seventy-eight organized and two unorganized counties at the time this book goes to press. The areas of some of them are quite extensive. Minnesota would make about sixty-four states as large as Rhode Island, and its largest counties would each make from two to five such states. Thus it will be seen that the extent of its domain, not to speak of other things, makes the government of one of these counties a matter of considerable importance.

County Officers.—The county officers in Minnesota are a board of county commissioners, auditor, treasurer, register of deeds, surveyor, superintendent of schools, judge of probate, county attorney, sheriff, coroner, clerk of court, and court commissioner. The duties of most of these officers are explained on pp. 29-32 of the other book in this volume, save that the pupil should read county attorney in place of district attorney. Those mentioned under courts in this book are the judge of

probate, the clerk of courts, and the court commissioner. The surveyor determines the boundary lines and measurements of lands concerning which disputes have arisen.

Townships.—The Minnesota township, geographically speaking, is six miles square. How it is subdivided and related to other townships is clearly explained on pp. 126, 127 of the book preceding this.

Organizing Towns.—Before a township is organized it is called a congressional township. To be organized, it must have at least twenty-five legal voters residing in it. If a majority of these petition the county commissioners to organize the town, the commissioners must proceed to do so, providing, as directed by law, to determine the boundaries of the township, to name it, and to designate the place for holding its first town meeting.

Corporate Powers.—An organized town is a corporation having power—

- “1. To sue and be sued.
- “2. To purchase and hold lands within its own limits, and for the use of its inhabitants, subject to the powers of the Legislature.
- “3. To make such contracts, purchase and hold such personal property as may be necessary for the exercise of its corporate or administrative powers.
- “4. To make such orders for the disposition, regulation, or use of its corporate property as may be deemed conducive to the interests of its own inhabitants.”

Town Meetings.—Each town holds an annual meeting. The time fixed for this is the second Tuesday of March. At this meeting, the electors choose three supervisors, one of whom is chairman, a town clerk, treasurer, assessor, two justices of the peace, two constables,

and one overseer of highways for each road district. The justices and constables serve two years each, the other officers one year each. The electors have power also at this meeting —

1. To provide for pounds and pound masters.
2. To direct legal actions in cases to which the town is party, and to provide means therefor.
3. To regulate fence-building and the impounding of animals.
4. To pass herd laws.
5. To impose limited penalties for breaking the rules and regulations of the town, save in cases specified in law.
6. To raise money for constructing roads and bridges, for supporting the poor, and paying the necessary expenses of the town.

Special town meetings may be called to fill vacancies in office, or transact business, whenever the supervisors, justices, and clerk, or any two of them, with twelve or more freeholders, file a statement in the clerk's office declaring the meeting necessary.

Duties of Supervisors. — The supervisors are the chief executive officers of the town. All business not delegated to the other officers, or belonging to the people themselves, may be transacted by them. In particular, they may or shall, as the case may be, —

1. Act as fence viewers.
2. Act as a board of health.
3. Act as a board of auditors in the matter of bills payable by the town.
4. Draw orders for the disbursement of town moneys.
5. Direct the legal actions of the town.
6. Act as judges at elections.

When acting as an auditing board, if one of the supervisors is absent, one of the justices must be called

in to act for him; or if two are absent, two justices must serve for them.

Ordinarily, two supervisors constitute a quorum.

Clerk's Duties.—The town clerk must record the minutes of the town meetings, and orders, directions, rules, and regulations passed at such meetings. He acts as the custodian of all books of record belonging to the town, and must file and preserve its papers and audited accounts. He is required, too, to send the names of the newly elected constables and justices to the clerk of the district court, to post notices of town meetings, and to act as one of the clerks at elections.

Treasurer's Duties.—The treasurer receives, takes charge of, and disburses the money of the town. All disbursements must be made upon the order of the town or its supervisors. The treasurer must keep an accurate account of the amounts and sources of receipts, and the amounts and purposes of disbursements. He is required to file a detailed statement of his accounts, with the town clerk, within the five days preceding the annual meeting.

Assessor.—It is the duty of the assessor to determine as accurately as may be the valuation of each piece of real estate in the town, and the valuation of each resident's personal property. This is for the purpose of taxation.

Overseers of Highways.—The overseers of highways look after the construction of roads and bridges and see that they are kept in repair.

Justices and Constables.—The duties of a justice have been sufficiently explained in Section III. of Chapter IV. A constable is a court officer who serves papers and makes arrests.

Board of Review.—The assessor, town clerk, and chairman of the supervisors constitute a board of review to see that no property within the township, through oversight or otherwise, escapes taxation; and to so equalize valuations that nobody's property is unjustly taxed.

Villages.—It often happens that commercial, manufacturing, or other interests create thickly settled communities within a township. These communities soon find its government inadequate to provide for their peculiar needs, and take steps to sever themselves from it by securing village charters. Such a community in Minnesota must have at least one hundred seventy-five inhabitants before it can be organized as a village, and at least thirty of them must petition the county commissioners for the organization. In general, a village has the same corporate powers and obligations as a town.

Officers of a Village.—The officers of a village correspond very nearly to those of a town. A president, a treasurer, a recorder, a marshal, a street commissioner, and three trustees are elected for one year; and two justices of the peace and two constables for two years.

The Village Council.—The president, recorder, and three trustees constitute the village council or executive board. It will be seen from what follows that their powers while in some cases parallel to those of town supervisors are more extensive. They may—

1. Appoint pound masters, village attorney, sextons, fire wardens, street commissioners, special and permanent police, a board of health, and three judges of election for each election district.
2. Number houses, lay out streets, establish a fire department,

establish markets, purchase and care for cemeteries, grant licenses of various kinds, restrain lotteries, establish and maintain public libraries, build watchhouses or lock-ups, provide street lights, regulate the use of public wells and cisterns, establish and regulate harbors and docks, build levees, and pass and enforce all necessary ordinances within their province.

Cities.—Conditions similar to those leading to the incorporation of villages, but greater in number, lead to the more complex organizations of cities. The government of Minnesota cities is similar to that described elsewhere in this volume, and need not have a more particular explanation here.

Nature of Local Government.—The thoughtful pupil has no doubt noticed that local government in the township is somewhat democratic, and becomes in the village more representative in character. It may be stated in conclusion that it is still more centralized in cities. This centralization is a blessing when officers are honest and capable, but often works great harm when they are dishonest or inefficient. At the present time, how to secure an honest and efficient municipal government is an unsolved problem.

QUESTIONS, TOPICS, AND SUGGESTIONS FOR REVIEW.

Designed to recall what has been learned and to suggest further thought, reading, and study.

1. How many organized and how many unorganized counties in Minnesota?
2. Give the official titles of county officers.
3. State briefly the duties of each county officer.
4. What is a congressional township?
5. How are townships organized?
6. State the corporate powers of towns.
7. When and how are township officers chosen?
8. When must town meetings be held? When may they be held?
9. Name the town officers and the terms for which they serve.
10. Name six things the electors have power to do at a town meeting.
11. How many supervisors are there, and what is one of them called?
12. Specify five duties of the supervisors.
13. What are the town clerk's duties?
14. What are the town treasurer's duties?
15. What are the assessor's duties?
16. What are the duties of the overseers of highways?
17. What are the duties of a constable?
18. Why are villages organized?
19. Name the officers of a village.
20. How is a village council constituted?
21. What are some of the powers of a village council different from those of township supervisors?
22. What is the nature of local government?

INDEX.

Adjutant-general, 35.	Council, territorial, 14.
Agricultural Society, 41.	Council, village, 59.
Assessor, town, 58.	Counties, 55.
Associations, 42.	County, officers of, 55.
Attorney, territorial, 16.	Court, state supreme, 31.
Attorney-general, state, 31.	Court, territorial supreme, 15.
Bills, legislative, 28.	Courts, probate, 32.
Boards of Control, 40.	Courts, state, 31.
Boiler inspector, 38.	Courts, state district, 32.
Boutwell, Missionary, 10.	Courts, territorial, 15.
Bureau of Labor, 38.	Courts, territorial district, 16.
Calhoun, Lake, mission of, 10.	Courts, territorial minor, 16.
Carver, Jonathan, 8.	Dairy and Food Commission, 36.
Cass, Lewis, enters Minnesota, 9.	Dairyman's Association, 42.
Catlin, Governor, 12.	Dakotas, first mentioned, 6.
Cities, 60.	Delegate of territory, 17.
Clerk, town, 58.	Dental Examiners, 41.
Cold Water Cantonment, 8.	Districts, school, 49.
Commissioner of Statistics, 37.	Du Luth, 6.
Common school districts, 49.	Education in the state, 49.
Constables, town, 58.	Education in the territory, 17.
Constitution, the, 20.	Enabling Act, 19.
Constitution, amendments to, 22.	English supremacy, 7.
Constitution, miscellaneous provisions of, 33.	Equalization, Board of, 40.
Constitution, ratification of, 21.	Executive, state, 29.
Corrections and Charities, Board of, 43.	Executive, territorial, 13.
	Expeditions, commercial and scientific, 9.

Expeditions, military, 8.
Explorers, early, 5.
Farmers' Institutes, Board of, 41.
Fish Commission, 37.
Forestry Association, 42.
Fort Snelling, when built, 8.
Forts first built, 6.
French supremacy, 7.
Funds, school, 52.
Fur traders, 8.
Galtier, Father Lucian, 10.
Geologist, state, 39.
Government, local, 60.
Government, state, departments of, 25.
Government, territorial, transition to, 18.
Governor of the state, 29.
Groselliers, visits Lake Superior, 6.
Health, Board of, 41.
Hennepin, Father, 6.
High schools, 50.
Highways, overseers of, 58.
Historical Society, 41.
Horticultural Society, 41.
House, state Legislature, 25.
House, things peculiar to, 28.
House, territorial Legislature, 14.
Independent school districts, 49.
Insane asylums, 43.
Inspector of illuminating oils, 39.
Institute for Defectives, 44.
Insurance Department, 35.
Itasca, Lake, visited, 9.
Judicial Department, state, 31.
Justices of the peace, 33.
Justices, town, 58.
Lac qui Parle, Mission of, 10.
Land Commissioner, 37.
Lands, school, 51.
Law Examiners, Board of, 41.
Laws, 28.
Leavenworth, Colonel, 8.
Legislative Assembly, territorial, 14.
Legislature, duties and obligations of, 26.
Legislature, members of, 26.
Legislature, powers of, 26.
Legislature, privileges of, 27.
Legislature, restrictions upon, 27.
Legislature, state, 25.
Le Sueur, 6.
Librarian, state, 39.
Lieutenant-governor, 30.
Local government, 60.
Long, Major Stephen H., 8-9.
Louis XIV., 5.
Marshal, territorial, 16.
Medical Examiners, Board of, 40.
Military expeditions, 8.
Minnesota an unknown land, 5.
Minnesota first entered, 6.
Minnesota, territorial jurisdiction of, 11.
Missionaries, 10.
National Guard of Minnesota, 35.
Nicolet, Jean, 5.
Normal schools, 50.
Northwest, yielded to the United States, 8.
Officers, territorial, appointment of, 17.
Organic Act, 12.

Perrot, 6.
Pharmacy, Board of, 41.
Pike, General Z. M., 8.
Pond, Missionaries, 10.
Prevention Cruelty to Animals, Society of, 41.
Printing Commission, 37.
Prison, state, 46.
Probate courts, 32.
Public examiner, 38.
Public Instruction, Department of, 36.
Public School, state, 44.

Radisson, visits Lake Superior, 6.
Railroad and Warehouse Commission, 36.
Reformatory, 45.
Reform School, 45.
Review, Town Board of, 59.
Riggs, Missionary, 10.

Sault Ste. Marie, visited, 6.
Schedule of state Constitution, 21.
Schoolcraft, enters Minnesota, 9.
School districts, 49.
School funds, 52.
Secretary of state, 30.
Secretary, territorial, 13.
Senate, state, 25.

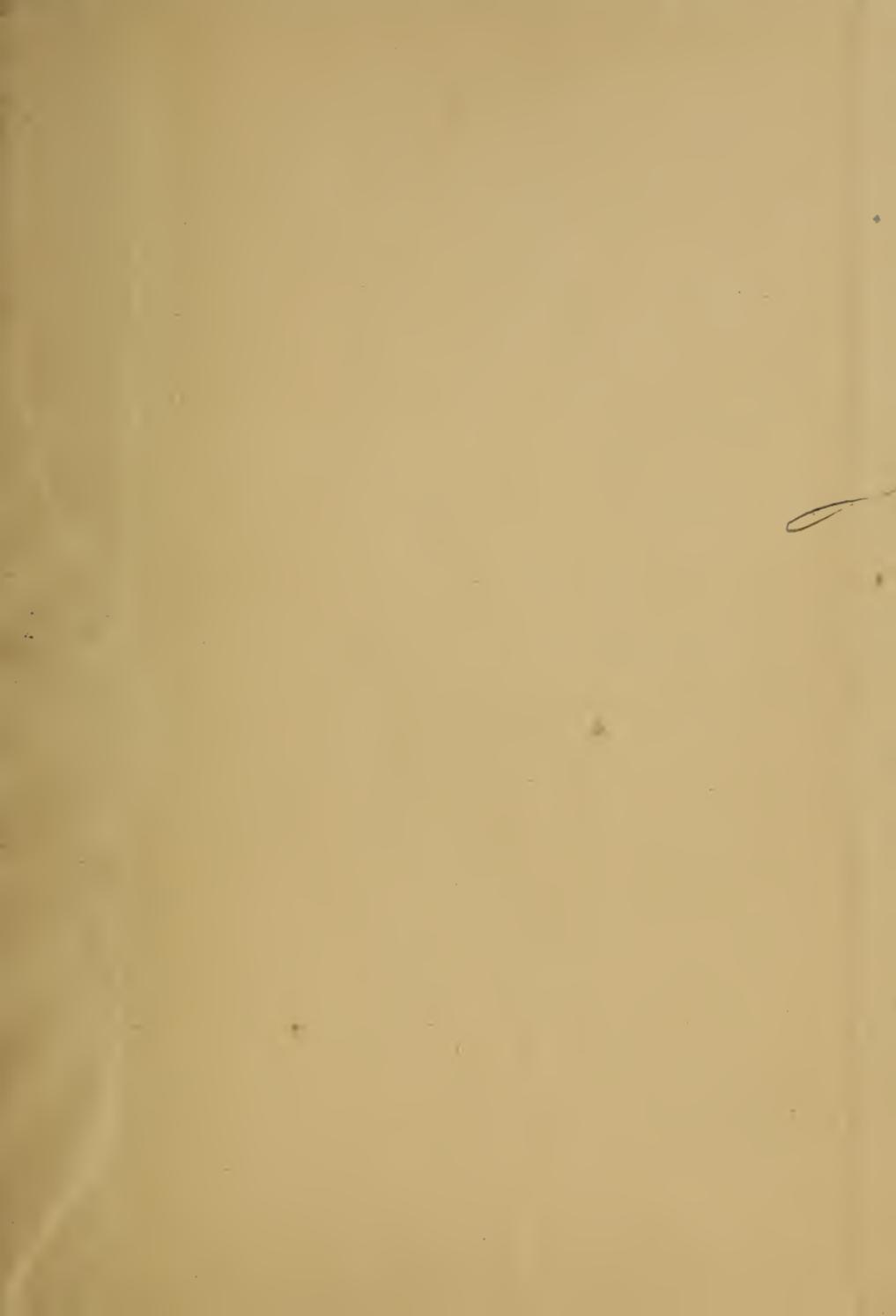
Senate, things peculiar to, 28.
Settlements, first, 10.
Sioux, first mentioned, 6.
Societies, 41.
Soldiers' Home, 44.
Special school districts, 50.
State, admission to Union, 22.
State geologist, 39.
State librarian, 39.
State, organizing the, 19.
Supervisors, town, 57.
Supreme court, state, 31.
Supreme court, territorial, 15.
Surveyors of logs and lumber, 39.

Town meetings, 56.
Towns, corporate powers of, 56.
Townships, 56.
Towns, organizing, 56.
Treasurer, state, 31.
Treasurer, town, 58.

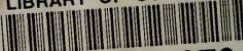
University, state, 51.

Village council, 59.
Village officers, 59.
Villages, government of, 59.
Voyageurs, 6.

Williamson, Missionary, 10.
Wisconsin, territory of, 12.



LIBRARY OF CONGRESS



0 027 272 378 3